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6 AMP Plus, Inc. d/b/a ELCO Lighting, Inc. and Elco Lighting, Inc.

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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
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11 DMF, Inc., a California corporation,
12 Plaintiff,

13 v.

14 AMP Plus, Inc. d/b/a ELCO Lighting,
15 a California corporation; and

16 ELCO Lighting Inc., a California
17 corporation,

18 Defendants.
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Civil Action No. 2:18-cv-07090 CAS
(GJXx)

**Joint Stipulation Regarding Leave
For ELCO To Amend Answer And
Counterclaims**

Ctrm: 350 W. First Street, Room 8D
Hon. Christina A. Snyder

1 Defendants AMP Plus, Inc., d/b/a ELCO Lighting and ELCO Lighting Inc.
2 (referred to collectively herein as “ELCO”) and Plaintiff DMF, Inc. (“DMF”) by and
3 through their respective counsel, hereby stipulate and request the Court to approve
4 their agreement permitting ELCO to file a Second Amended Answer and
5 Counterclaims, attached hereto as Exhibit A, as follows:

6 1. The Parties conferred about ELCO’s proposal to file a Second Amended
7 Answer and Counterclaims that would add an unclean hands defense, an
8 indefiniteness defense and add prior art identified by ELCO after filing the First
9 Amended Answer and Counterclaim (Dkt. 18) on October 18, 2018.

10 2. The Parties disagreed on whether ELCO’s defenses have merit, but
11 agreed upon a procedure to reduce motion practice and its attendant burden on the
12 Court and Parties whereby DMF would not oppose ELCO seeking leave to file the
13 Second Amended Answer and Counterclaims without prejudice to DMF challenging
14 the merits of the unclean hands and indefiniteness defenses under a motion to
15 dismiss, motion to strike or as otherwise appropriate after entry of the amended
16 pleading.

17 3. The Parties agreed that a third-party subpoena that ELCO served on
18 Underwriters Laboratories, LLC (“UL”) regarding ELCO’s unclean hands defense
19 would not be enforced until after the Court has ruled on DMF’s motion to be filed
20 challenging that defense.

21 4. The Parties agreed that entry of the Second Amended Answer and
22 Counterclaims should not alter in anyway the current schedule and procedures set
23 forth in the Court’s January 28, 2019 Order (Dkt. 129), including the requirements
24 for ELCO to assert Validity Contentions.

25 5. ACCORDINGLY, IT IS HEREBY AGREED AND STIPULATED by
26 and between the parties, through their respective counsel, that the Court enter an
27 Order granting ELCO leave to file its Second Amended Answer and Counterclaims
28 attached hereto without prejudice to DMF challenging the merits of the unclean

1 hands and indefiniteness defenses in a motion to dismiss, strike or otherwise, that the
2 entry of the amended pleading shall not alter in any way the current schedule and
3 procedures set forth in the Court's January 28, 2019 Order (Dkt. 129), including the
4 requirements for ELCO to assert Validity Contentions, and that discovery will not
5 proceed on the subpoena served by ELCO on UL until the Court has ruled on DMF's
6 motion to be filed after entry of the amended pleading.

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8 By: /s/ Ben M. Davidson
Ben M. Davidson, Esq.

By: /s/ Robert E. Boone III
Robert E. Boone III, Esq.

9 Ben M. Davidson
10 DAVIDSON LAW GROUP ALC

Robert E. Boone III
BRYAN CAVE LEIGHTON PAISNER

11 David W. Long
12 ERGONIQ LLC

Attorneys for Defendants
AMP Plus, Inc., d/b/a ELCO Lighting,
and ELCO Lighting Inc..

13 *Attorneys for Plaintiff*
DMF Inc.

Date: March 15, 2019

14 Date: March 15, 2019
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Certification Pursuant To Local Rule 5-4.3.4(a)(2)(i)

Pursuant to Central District of California Local Rule 5-4.3(a)(2)(i), I hereby certify that the content of this document is acceptable to Mr. Ben M. Davidson, Esq., counsel for Defendants, and I have obtained his authorization to affix his electronic signature to this document.

Dated: March 15, 2019

By: /s/ Robert E. Boone III